

MAR 03 2010


federal prosecutors, and not private citizens, can bring actions under the United States Criminal Code. Thus, the Court is unable to discern a basis for jurisdiction under § 1331.

A federal district court also has jurisdiction over civil actions in matters where the controversy exceeds \$75,000 and is between citizens of different states. *See* 28 U.S.C. § 1332(a). But here it appears that both plaintiff and defendants — at least defendants against which there is even the barest suggestion of any wrongdoing — are citizens of the state of Georgia. Therefore, there appears to be no federal court jurisdiction under § 1332(a).

To the extent that plaintiff seeks release, any habeas petition should be directed to the warden of his institution, not to the United States or any federal official.

Accordingly, the Court will dismiss the complaint without prejudice for lack of subject matter jurisdiction. A separate order accompanies this memorandum opinion.

Date: 2/27/10


United States District Judge